

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN
AND FOR MIAMI-DADE COUNTY, FLORIDA |

IN RE: MARINE SAFETY OFFICE INVESTIGATION /

DEPOSITION OF STANFORD DANIELS

Taken before Evelyn B. Astrin, Notary Public for the
State of Florida at Large, on Wednesday, the 22nd day of
January, 2003, at the U.S. Coast Guard Marine Safety
Office, 100 MacArthur Causeway, Miami Beach, Florida, at
10:45 a.m. pursuant to Notice.

COPY

APPEARANCES:

U.S. COAST GUARD, MARINE SAFETY OFFICE
BY: LT. ERIK LASALLE
LT. NICOLETTE ARROYO
LCDR LARRY BOWLING
100 MACARTHUR CAUSEWAY
MIAMI BEACH, FLORIDA 33139
ON BEHALF OF THE U.S. COAST GUARD.

KELLER BOLZ LLP
BY: JOHN W. KELLER, III, ESQUIRE
121 MAJORCA AVENUE SUITE 200
CORAL GABLES, FLORIDA 33134
ON BEHALF OF THE WITNESSES.

I N D E X

<u>Witness</u>	<u>Page</u>
STANFORD DANIELS	
DIRECT EXAMINATION BY LT. ARROYO	3
FURTHER DIRECT EXAMINATION BY LT. LASALLE	22
CROSS EXAMINATION BY MR. KELLER	38
REDIRECT EXAMINATION BY LT. ARROYO	38

E X H I B I T S

COAST GUARD EXHIBIT NUMBER ONE

COAST GUARD EXHIBIT NUMBER TWO

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 Thereupon the following proceedings were had:

2 LCDR LARRY BOWLING: We're on the
3 record.

4 I'll start off and formally ask that the
5 two sketches that were made by Kenny Wells
6 during his statement into the record there,
7 we'll call it Exhibit One and --

8 MR. KELLER: I think Erik was the
9 original artist. Erik drafted the hull and
10 Kenny filled in the blanks.

11 LCDR LARRY BOWLING: What is that a
12 sketch of?

13 LT. ERIK LASALLE: It is a sketch of the
14 Panther One. I drew the Panther One and
15 Mr. Wells filled in the pump and console.

16 MR. KELLER: On the right side is his
17 rough schematic how the switches were laid out
18 on the bilge pumps.

19 LCDR LARRY BOWLING: Very good.

20 Ready Nicolette?

21 LT. NICOLETTE ARROYO: Yes.

22 Thereupon:

23 STANFORD DANIELS

24 was called as a witness on behalf of the investigation, and
25 after having been first duly sworn, was examined and

1 testified on his oath as follows:

2 DIRECT EXAMINATION

3 BY LT. NICOLETTE ARROYO:

4 Q Morning, sir, can I have your name, and your
5 address, and your position with the company?

6 A Louis Stanford Daniels, Junior. The address
7 is Box 423, Everglades City, Florida, 34139.

8 My position is a big title. I do everything.

9 I clean boats. I wash boats, captain boats
10 fix boats.

11 Q Do you have a Coast Guard License, sir?

12 A Yes. I'm a captain with a Captain's license.

13 Q Captain's license?

14 A Yes.

15 Q Is what gross tunnage?

16 A Twenty-five tuns.

17 Q Yes, twenty-five tuns.

18 Sir, I am going to start with just general
19 questions. As far as the company is concerned, how long
20 have you been working with then?

21 A Since 1997.

22 Q Okay.

23 And do you know of any contracting procedures
24 for newly hired people, masters, crew?

25 A You are talking about how we hire them?

1 Q Yes.

2 A They see the boss, ask for a job. Usually go
3 out on a boat, a trainee we call them. They get on the
4 vessels and it will run, and usually ride a couple of days.
5 Maybe more days if we see they don't have very much
6 experience.

7 Then we'll let them bring the boats in and
8 usually watch them coming in and out while they're
9 training, and ask the captain how they do. Usually you can
10 tell if somebody like -- if they can or not.

11 Q Who trains newly hired people?

12 A Strange, when you say training, train
13 somebody on a boat? You can't train nobody. They got a
14 captain's license. What we do is look at how they can
15 maneuver the boat, position it, park it.

16 If they drive a forty-eight tunner, Manatee
17 Two, they have to dock it and fuel it. That gives me a
18 chance to watch them how they land, if I don't like the
19 procedures, how they do it.

20 Q You basically evaluate how they work with the
21 vessel?

22 A And we talk to them. You can tell.

23 Q Do you do this?

24 A Usually the captain of the boat, or if I can
25 driving a boat, I do it.

1 Q Does the company have any contingency plans
2 for emergency procedures, something if an emergency would
3 happen?

4 A Yes, we do have fire, man overboard. They do
5 it all the time, trying to come over, search the boat,
6 Coast Guard inspections. It's all located on the boat
7 frame and it's letters.

8 Q Are there any charts provided to the Masters?

9 A What are you talking about chart-wise? What
10 kind of charts?

11 Q Nautical charts.

12 A Yes, all boats have to have nautical charts.

13 Usually, we run out of the bay, a narrow
14 channel. It is marked with the channel markers. They're
15 not allowed to go outside of the channel markers. And come
16 in the same way they go out, high tide and low tide. The
17 nautical charts will not help them as best as they learn on
18 training.

19 Q So, they're trained not to go out of the
20 channel?

21 A Right.

22 Q What is -- if the captains -- like say they
23 go out on one of the boats and they come back in, how long,
24 what type of -- do they have a break, or do they go out
25 again or?

1 A Our captains take four trips daily, forty
2 minutes between each trip.

3 Q Does the captain rotate vessels, or one
4 captain for one vessel?

5 A One vessel forty-eight tons. You have to
6 have a hundred ton license and there are only two in our
7 dock -- three now. And you rotate that boat, and the rest
8 of us pull the slack on the little boats.

9 Q I am going to talk about maintenance, now.
10 Who does maintenance on board these vessels?

11 A I do it when Kenny is not there, mostly.

12 Q Yes?

13 A The last five years, or since '97, I do and
14 Kenny does. It's winter months when he is here.

15 Q Do you help Kenny out when he is here, or
16 does he do everything?

17 A No, I'm there with Kenny most times now,
18 since he's been coming back lately.

19 Q What about Coast Guard inspections, were you
20 present?

21 A I have been present when I have been there,
22 but I did leave the place. I worked three years, took a
23 vacation a year and a half, and came back.

24 Q When was that?

25 A About two years ago I came back.

1 Q Okay.

2 Are any masters present during Coast Guard
3 inspections?

4 A What's that, master license?

5 Q The captains.

6 A Whenever they come down to the boats and you
7 always do a check, that tunnage license captain that runs
8 that boat is there with the crews. If the crew is
9 necessary the crew is there. That's the rules.

10 Last couple of times they came over they want
11 to see the same crew on that boat at all times, five days a
12 week.

13 Q When the Coast Guard is there to do a
14 scheduled inspection the master and crew is present?

15 A Right.

16 Q Who else is present?

17 A The owners, one of the owners. Usually big
18 Sammy is there and the boys. They sit back. Usually big
19 Sammy is there all the time, and they all do going over the
20 ship, the computation, everything they can. They want to
21 see if they're to comply. The captain is there. And if
22 they need to take the boat out for man overboard, he's
23 there.

24 Q Any maintenance or repairs done on vessels,
25 do you guys keep a record of that? Like if you or Kenny

1 fix anything on board a vessel, do you guys keep a log?

2 A No, no, we didn't before the sinking but
3 after we have. I have got three books on all boats.

4 Q Do you have any equipment logs like for your
5 vessel, for each vessel what type of equipment is on board?

6 A What we put on them -- well, now I do. I
7 have equipment lists for all boats. Every morning I go on
8 them, check everything. Before they fire it up I sign out,
9 they sign it.

10 If it is not there the captain --

11 LT. ERIK LASALLE: Who is "they"?

12 THE WITNESS: The captain.

13 LT. ERIK LASALLE: Of the boat of the
14 day?

15 THE WITNESS: That's right.

16 BY LT. NICOLETTE ARROYO:

17 Q Who normally does the boat maintenance?

18 A If Kenny is not there, back in Ohio, I do it.

19 Q Anybody else on maintenance of the vessels?

20 A Little Sammy helps me.

21 I call him little Sammy.

22 Q Any reports sent to the Coast Guard when you
23 do maintenance?

24 A That, I don't know. Is -- he dropped it on
25 me the other day.

1 LT. ERIK LASALLE: He, being commander
2 Bowling.

3 BY LT. NICOLETTE ARROYO:

4 Q Any large repairs?

5 A No, sir.

6 Large repair? You talking about holes in the
7 vessels or something?

8 I never done that.

9 Q Do you know if anything has been recorded?

10 A I have never seen that no, no.

11 Q Now, I want to talk about the bilge pump
12 systems.

13 A Okay.

14 Q On board the vessels, do you know what the
15 manufacturer of the bilge pumps are?

16 A Made by Ruler.

17 Q R-U-L-E-R?

18 A Yeah.

19 Q What type of system is it?

20 A Well, we got some old, still a Ruler, fifteen
21 hundred, two thousand on them, and automatic floats, still
22 floats, water comes in, floats, goes out, pump comes on.

23 We have new ones that will search for water
24 every two, three seconds. And there is no checking it, if
25 it works good or not, flipping it on and off and count to

1 five and flip the power back on.

2 Q So, what type is on the Panther boats?

3 A The Panther boats had one that searches for
4 it, all three new ones, searches.

5 Q Every two or three seconds?

6 A Every two or three seconds.

7 Q How many pumps are located on the Panther
8 vessels?

9 A Three, two in the back -- is in the back, one
10 under the engine. And we have one manual pump.

11 Q Okay.

12 So, four total?

13 What is the location of the high bilge alarm?

14 A The high bilge alarm on that one is on the
15 right side of the engine, back on the right corner. You
16 lift it in, it will work. It goes beep, beep. It works.

17 Q Okay.

18 And how does this -- any repairs done to the
19 systems at all, recent repairs?

20 A There is always repair on the wire system.
21 You all know salt water deteriorates anything you put on
22 the boats, eventually, wires.

23 Boats malfunction, and we get told by
24 captains and we fix it. Most times I go there right
25 between trips. When they get in, I'll fix it.

1 Q How often are these types of repairs done?

2 A There is no saying how often, it is just
3 whenever.

4 Q Whenever it happens?

5 A Just when the wire gets green, it corrodes.

6 No, I don't go every day and look through the
7 wire system. You can just pull on it, maybe the next trip
8 fire goes through it, water gets on it and it burns. You
9 got to be told.

10 Q What type of alarms are on the bilge system,
11 what type?

12 A High water alarms?

13 Q Yes.

14 A Just automatic float by Rulers, and a large
15 switch alarm buzzer.

16 Q So, it is visual or audio? It's got, you see
17 it and you heard it?

18 A Yeah. It's a red light and sound alarm.

19 Q And you have an automatic and manual employed
20 on these?

21 A On my bilge pumps, yes.

22 Q Can you tell me how that works? How does
23 it -- I know there is like a switch?

24 A The switch is automatic, manual and off.

25 Q And off?

1 A The manual, you go to the left and it will go
2 on, but you let go of it, it goes back to neutral.

3 Now, you go automatic, it stays, so,
4 automatic.

5 Q So, the manual is to the left?

6 A And the right is automatic.

7 Q Right is automatic?

8 A In the middle is neutral. That means no
9 fire. That means you have to go and reset it.

10 Q You have to hold the manual switch down?

11 A You have to hold --

12 Q You have to hold it down in order to --

13 A All the time.

14 LCDR LARRY BOWLING: Excuse me,
15 Nicolette.

16 You used the term fire twice. I want to
17 clarify, for the record, when you say fire you
18 are referring to electrical?

19 THE WITNESS: Electrical.

20 LCDR LARRY BOWLING: Again, if somebody
21 sees fire they'll think --

22 THE WITNESS: No, current.

23 LCDR LARRY BOWLING: I want to make sure
24 the transcriptionist (sic) got that.

25

1 BY LT. NICOLETTE ARROYO:

2 Q What switches -- when you are looking at the
3 console where the switches are located --

4 A Up and down console. They was -- they was
5 right there on the front, facing, all three of them, one,
6 two, three.

7 The top one was the right one. The middle
8 one was the engine. The one in the bottom, the right and
9 right. And they have lights on them.

10 Q What is the indication when the bilge pump is
11 not working?

12 A A light comes on. When they do work, most of
13 them, it is saying there is water in the bilge, you know.

14 Q How would you know if there was water in the
15 bilge?

16 A There is too much, mostly you can tell. You
17 put a little water in them. If I don't see one working on
18 them boats I'll check between the trips. I'll raise the
19 hatch and see. It's the captain's responsibility to know
20 that, you know.

21 Q So, let's say you are the captain on one of
22 the Panther vessels, and you think that you know there
23 is --

24 A Water on it?

25 Q How would you know?

1 A Well, then boats is low sided anyway. If you
2 have a lot of people on it, a group of people on it, and
3 the stern of the boat, it sits down low anyway. Usually, I
4 always watch them.

5 I have been on boats all my life. If I don't
6 see a bilge pump working on a wooden boat I am looking for
7 something, making sure it's okay. That's the way I am, I
8 go looking.

9 Q I am going to talk about communications, now.
10 On these vessels, specifically on the Panther boats, but
11 every vessel that you guys operate or that they operated
12 have V H F's?

13 A V H F's, yes, they do.

14 Q What is procedure, as far as the captains,
15 when they depart, when they come in?

16 A Well, there was the responsibility -- the
17 base usually checks with them in the morning. Well, I
18 don't know how to put this.

19 Since that, I do a check every morning with
20 the captain. I got a log book. He calls in the base. We
21 log it. Before that it was more their responsibility to
22 make sure it worked and tell me.

23 Q So, when the vessel was -- when a vessel was
24 departing the dock -- for example, let's say the vessel was
25 departing at nine hundred with twenty people on board?

1 A That is more their inside business. I don't
2 deal with that. I don't tell them leave. I am never
3 around inside. There's two departments. I am the outside
4 man and they're the inside.

5 The only time I hear anything is when they
6 call in and say meet the boat, they at the dock, fix the
7 bilge pump, something like that.

8 Q And every vessel has -- have you ever seen a
9 V H F on a vessel that hasn't been working properly, or
10 have you heard any of the captains complain about it?

11 A Like I said earlier, the ability of salt
12 water always can corrode a wire. Sometimes it gets
13 corrosion in the antennas and we have to clean them out, or
14 re-fuse it, or something like that.

15 Q Do you know who sells the tickets for
16 passengers?

17 A Like I said, that's inside. There's three
18 women inside. I don't get into that, who is who. That's a
19 question for somebody else.

20 Q All right.

21 Have the Panther vessels ever had on board --

22 MR. KELLER: Don't look at me, just tell
23 it like it is.

24 THE WITNESS: I never seen one. I never
25 knew I had to have one.

1 BY LT. NICOLETTE ARROYO:

2 Q Have you ever seen the documentation?

3 A Yes, I have seen it. The inspection of the
4 boat I usually hand -- nope, let me see how that goes.

5 They do it in the office or something like
6 that. I don't know, I never do it. I never looked at it.
7 The only ones I really know of is the Manatee One and
8 Manatee Two.

9 Q Those are the boats that you are normally on?

10 A Yes.

11 Q Is the documentation -- just speaking of the
12 Manatee One, because you know these vessels; is the
13 documentation on board?

14 A Yes, at all times.

15 Q It is on board at all times?

16 A Yes.

17 Q The Panther One had a grounding in the
18 beginning of December?

19 A Yes, I was alerted to that, but the issue of
20 that system was we first heard the captain tell me he was
21 going really slow --

22 Q Which captain?

23 A Drew.

24 Q Captain Drew?

25 A Yes.

1 When I got to the vessel I hear a little
2 more, running pretty good, ran aground, backed off. When
3 we finally got there and finally figured out what happened.
4 He ran aground pretty good, hard sand sucked up in his
5 water strap and I cleaned it out.

6 Then we tried to pump water and we burnt the
7 propeller of the water pump out. And I changed that,
8 cleaned the dirt out. By that then we had a hole in the
9 radiator, and I changed that.

10 Q You went out to the vessel?

11 A To the boat. He called in. We came to him.

12 Q And went to him how?

13 A In a boat.

14 Q Which one, if you recall?

15 A Let me think.

16 Q I am trying to get a picture.

17 A I'm trying to think which one. We have so
18 many. I have used the different boats. It was -- six
19 boats we have.

20 Q And you got to him? What happened when you
21 got there? Like was the vessel towed in? Did it have to
22 be towed in, or did you do minor repairs right there?

23 A I did some repairs there, but it didn't help.
24 Like I said, the propeller burned out, it ran hot. And
25 towed or ran it in, I don't remember. I can't remember.

1 Q Was there any -- do you know of any damage to
2 the hull? I mean you said you went out, the --

3 A I cleaned the strainer out, the boat pumps
4 didn't come on. There was no indication of water in the
5 bilge. I lifted the back rear hatch where the -- later we
6 got to the dock there was no water coming in the hull.

7 Usually when you see damage, there would be
8 water. There was no water. The pumps didn't come on.
9 There was no sign, no damage. The prop wasn't quite up.
10 Nothing like that.

11 Q Can you tell me where the grounding occurred?

12 A Couldn't tell you. When I got to him he was
13 already moved away from the spot he ran aground, and I got
14 to him. I don't believe -- if I never said something, the
15 boat didn't run hot, but it ran hot, and we got to him.

16 Q Do you know how many passengers were on board
17 that day?

18 A Pretty sure it was only one.

19 Q One passenger, and he notified you by V H F,
20 the captain?

21 A That is right.

22 Q Anybody help you with the repairs that you
23 did?

24 A Little Sammy.

25 Q Sammy the Third?

1 A And Joey was there.

2 Q Did you pull the vessel out of the water at
3 all?

4 A Nope.

5 Q No?

6 A Nope.

7 I didn't see signs of bust, a hole.

8 Q No reasons to pull it out so you just cleaned
9 out the intake, that was it?

10 A Checked for damage.

11 Q And checked for damage, for water?

12 A Yes.

13 Q Do you know of any previous groundings of the
14 Panther One?

15 A No, I do not know.

16 Q None?

17 A But, you know, like I just said, the story
18 was changed after I got there, you know, so I don't really
19 know. He said two different things; "I ran aground";
20 really easy, you know. And then he changed it back, he ran
21 it hard. So, you don't know how he did it.

22 Q You say you brought the vessel back in? You
23 don't know if it was towed?

24 A I mean we towed it a little while. We had to
25 run it. And we finished maybe towing it back, maybe two,

1 three hundred feet.

2 Q During the time that you were, you know, not
3 towing the vessel, the vessel was running on its own, was
4 basically did you notice any shaking?

5 A No, I would have pulled it out of the water
6 if it was shaking.

7 Q You didn't notice anything?

8 A No. I freed it up, took off. That's the
9 first thing I checked to tell how much damage he really
10 did, the boat shaking, or something, but it didn't shake.

11 Q Did you think -- do you know of the
12 procedures for reporting this type of incident at all?

13 A I have been on water all my life. I didn't
14 know it, I guess, because I have never been on a business
15 end. I didn't know commercialized. I have ran commercial
16 crab boats. I never did report nothing.

17 Q So, you didn't think it was big deal? It
18 wasn't reported?

19 A No.

20 MR. KELLER: There are lawyers that
21 can't answer that question.

22 BY LT. NICOLETTE ARROYO:

23 Q Have you ever heard of any masters reporting
24 low free board on the Panther One?

25 A Low free board? Are you talking about low

1 free board?

2 Q Well, the Panther One has how much free board
3 to it?

4 A The lowest day was one that was under water.

5 Q Normally when you are looking at the Panther
6 One, normally how much free board would you say it has?

7 A Talking about unloaded or loaded with people?

8 Q Unloaded.

9 A Unloaded say on the red -- the red -- what
10 you call it, strip.

11 MR. KELLER: Boat's strip?

12 THE WITNESS: Also showed by that much
13 green, the bottom paint.

14 FURTHER DIRECT EXAMINATION

15 BY LT. ERIK LASALLE:

16 Q From the boat's top to deck, how many inches
17 would you say there are?

18 A I'd say more than twelve.

19 Q A --

20 A Yes.

21 Q Unloaded?

22 A Unloaded.

23 Q What would you say loaded?

24 A Could be probably -- top, go down -- probably
25 three, four inches under water.

1 Q Have you ever been present when the Panther
2 One was out of the water? Have you ever taken it out of
3 the water at all?

4 A Yes.

5 Q Do you know any major --

6 A Major repair on the bottom, no.

7 Q Fiberglass repairs?

8 A You are talking about fiberglass repairs?

9 Q Patches.

10 A Let me think.

11 I do so much on both of them, I get them
12 mixed up, which one is which, Panther One and Panther Two.

13 Q You can speak about both of them if you want.

14 A Most I have done, I have sanded one spot and
15 checked it out a few places -- about it major -- no, not
16 major.

17 Q Do you know of any -- do you know why there
18 would be fiberglass or caulking in the longitudinals?

19 A What's that?

20 MR. KELLER: He is asking you what the
21 longitudinals are.

22 LCDR LARRY BOWLING: It's a -- it's a --
23 on the Panther One, specifically, the
24 longitudinal runs out right and left, port and
25 starboard of your steering rear. Those are the

1 two longitudinals referring to --

2 MR. KELLER: You might call them
3 stringers?

4 THE WITNESS: I never seen -- I never
5 seen anybody touch it or worked on it since I
6 have been there.

7 BY LT. ERIK LASALLE:

8 Q I am going to talk about the day of the
9 sinking now.

10 Were you there, the day of the sinking,
11 during the day?

12 A I was there. That morning we took that boat
13 out of action. Kenny asked me about the bilge pumps. We
14 worked on the bilge pumps. He did, while I worked on other
15 boats and got them ready.

16 About ten o'clock, I believe, we switched
17 places -- ten -- nine o'clock or ten o'clock -- I don't
18 remember which. We fixed the bilge pumps.

19 Kenny was fixing them. I walked up, Kenny
20 said, "Lucky morning, I guess the bilge pumps work", and
21 then checked them and they worked.

22 I got the other Panther, went to the
23 Everglades river and started sanding and painting it. You
24 cannot do that at the park station anymore.

25 I was not present from then on to 10:30. I

1 was in the river sanding and painting when I got the news.

2 Q Who told you that the vessel went down?

3 A A crabber, used to be the owner of the Fish
4 House. He told me I need to get to my boss, one of the
5 Panthers went down. That was all he said.

6 Q What did you do then?

7 A I got on my phone and I reported to my boss.

8 Q Did you go?

9 A I took the boat, went out the river. Me and
10 Kenny, and we was there by the time -- the fastest the boat
11 could go.

12 We picked up people. One got on my boat off
13 Kelvin Townsend's boat.

14 Q Which boat? The Panther Two?

15 A I can't keep up which is which.

16 Q So, you went out with Kenny Wells? Do you
17 know how many people?

18 A I didn't know nothing until I left the dock.

19 I knew the boat was down and I was going to
20 the position of the boat.

21 Q Do you know how many people you rescued from
22 the crab boat?

23 A I didn't count heads. A lot of them wouldn't
24 get on my boat because they said it was the same kind of
25 boat that sunk.

1 I didn't count heads I picked up. The
2 captain went down with the vessel, and three or four
3 people, and I turned that boat over and told the captain to
4 bring it home.

5 And I climbed on the boat with my boss,
6 little Sammy the Third, and we went to the sunk vessel.

7 Q So, you went back to where the vessel was?

8 A It was towed by another crabber.

9 Q The vessel was towed by another crabber, why?

10 A To get it out of the channel for safety.

11 Q So, the vessel was moved from the original
12 location of the sinking?

13 A Yes.

14 LCDR LARRY BOWLING: Can we interject
15 quick? Have we established the name of the
16 other crab boat?

17 THE WITNESS: It wasn't a name. It was
18 an outboard crab boat, less than twenty-five
19 feet. I don't know.

20 LCDR LARRY BOWLING: Do you have any
21 idea of the Florida numbers of the boat?

22 THE WITNESS: Howie Grimm that was.

23 LCDR LARRY BOWLING: Oh, Howie Grimm.

24 And the vessel was moved because it was
25 in the channel?

1 THE WITNESS: Right.

2 LCDR LARRY BOWLING: Where did you move
3 it to?

4 THE WITNESS: Where you saw it.

5 LCDR LARRY BOWLING: Which was where?

6 THE WITNESS: The same -- the same
7 place, about three hundred feet from where it
8 went down.

9 I guess I didn't know where it went
10 down. We pulled it on the sand bar for the
11 protection of the Islands.

12 LCDR LARRY BOWLING: That is where you
13 saw it?

14 THE WITNESS: It was for the protection
15 of the Islands.

16 LT. ERIK LASALLE: I have a few
17 questions.

18 THE WITNESS: Alright.

19 BY LT. ERIK LASALLE:

20 Q You mentioned the charts. There are no
21 charts on board the Panther boats?

22 A Has to be charts on all the boats or the
23 Coast Guard would have told me.

24 Q You mentioned there is no difference, shallow
25 water, except for the --

1 A High and low.

2 Q What is the variance there?

3 A Three and a half foot. So, three and a half,

4 four foot, depending what tide you are on due to the moon.

5 Q Changes throughout the day?

6 A Every six hours, four.

7 Q Four feet down, et cetera, and you would

8 agree there is a difference between the tide and water,

9 every run?

10 A Yes.

11 Q What was the weather like when the Panther

12 went down, when you were on the scene?

13 A That day I believe it was little windy.

14 Q Windy?

15 A Choppy.

16 Q The waters were choppy?

17 A I'm pretty sure. There was some excitement.

18 I wasn't on board that day. As far as I can remember I was

19 so excited worrying what was going on at scene, when I got

20 there I don't remember if it was rough. I don't remember.

21 I think it was windy.

22 Q But the weather didn't hamper you guys

23 getting out there? The seas were not rough enough to be

24 concerned?

25 A I don't believe anything would have stopped

1 us going there unless the boat blew up, the motor.

2 Q Do you know if the Coast Guard was notified
3 that the boat sank?

4 A I don't know none of that.

5 Q You didn't make the call?

6 A I didn't make no calls for nothing. I
7 climbed on that boat and took off.

8 Q You mentioned a couple of times, for
9 instance, a maintenance log that wasn't -- prior to the
10 sinking, no maintenance logs were kept?

11 A As far as buying parts, we do keep the parts
12 for tax. We can pull it out if we have to.

13 Q If you changed the wire on the starboard
14 bilge pump prior to the sinking, it wouldn't be recorded?

15 A Right.

16 Q What other changes to the maintenance
17 programs, communications procedures or logistic procedures,
18 meaning how many people, head counts?

19 A Earlier -- that's office detail. My job is
20 the boats and maintenance, to make sure there are mates.

21 My procedure -- I have a book, now. Now
22 everything on the boat, lights, fire extinguishers, I check
23 it.

24 In the morning, me and the captain step on
25 the boat. If they don't like it, they have to go home. We

1 check radio, everything, high water alarms, everything.

2 I go over safety. Went with the mates the
3 other day, took the boat, did a safety thing, and we logged
4 it, and the same paper, and signed it.

5 Q Like a training?

6 A A training.

7 Q Prior to the sinking?

8 A We did that before, prior, but we never kept
9 good records. Sammy, he was the head of that.

10 Q Did Panther -- and I am going to draw the
11 same about -- I am -- this is another rough sketch of the
12 Panther One, if I can draw the bilge pumps. The --

13 MR. KELLER: You mean where the bilge
14 pumps are located?

15 LT. ERIK LASALLE: Yes.

16 I am sorry.

17 BY LT. ERIK LASALLE:

18 Q Okay.

19 The starboard rear bilge, the port rear and
20 center one?

21 Also under the -- which of the pumps you just
22 drew, which one was being worked on that morning?

23 A (indicating)

24 Q You pointed to the starboard rear?

25 A Yes.

1 Q Did he replace it or --

2 A He changed the wire system. The one wire, it
3 was a little green on it.

4 Q How would you fix a little green wire? I
5 wouldn't know.

6 A I couldn't tell you. I wasn't there. I
7 walked off when he started doing this. He started here,
8 went to here, I guess, like I do. I would cut wire and put
9 on there, and he puts grease on it. I seen him do that a
10 lot.

11 Q The first one you pointed to was the center
12 in the engine compartment. What work was done on that one?

13 A What work done? I said we just started it.
14 When we checked that, we checked all three of them.

15 MR. KELLER: I think what he is saying
16 is he searched the length of the wire.

17 THE WITNESS: We started here, first
18 with check the switch. Then put a current on
19 it, and we can tell whether the fire is not
20 going; a test, you do all that.

21 BY LT. ERIK LASALLE:

22 Q The switch on the console, the center,
23 neutral, left, and automatic; you have to hold it for
24 automatic?

25 A Yes, if they do that it would.

1 Q If I held the switch ten seconds?

2 A No, an hour, if you go for a ride and hold it
3 over they'll burn it.

4 Q On the console you mentioned there are
5 lights, audibility. The one you hear, the one you see?

6 High water alarm you hear or see a red
7 flashing light?

8 A No, a red solid light.

9 Q It comes on stays on?

10 A Yes.

11 Q If I a were mastering the boat that's how you
12 would know?

13 A Yeah.

14 And we have lights on each one of those
15 switches. The bilge pumps, it's a red one. When that pump
16 comes on it will light up manual or the automatic.

17 Q The Panther One, specifically I am talking
18 about, now. These are all Ruler bilge pumps and they all
19 kick on automatically, shut off automatically?

20 LCDR LARRY BOWLING: I believe the
21 probable terminology is Rule, R-U-L-E.

22 Mr. Wells used it. It's R-U-L-E, a well known
23 bilge pump.

24 THE WITNESS: (No verbal response.)

25

1 BY LT. ERIK LASALLE:

2 Q And they are all the same gallons?

3 A Everything.

4 Q What are the specific gallons?

5 A I ain't for sure. I think they're fifteen
6 hundred, or a little more, I think some of them is two
7 thousand, and I don't know which, where they're at.

8 Q And they come on every two, three seconds?

9 A Yes, every two or three seconds, search for
10 water.

11 LCDR LARRY BOWLING: For the record, let
12 me clarify. Give me a head nod or kick me out.
13 They're use the terms, "searches for water";
14 what is installed are electric?

15 MR. KELLER: Electronic.

16 LCDR LARRY BOWLING: Sensing means in
17 this case the model there engages, and if there
18 is contact between the two pumps it will
19 initiate the bilge pumps to start? There is no
20 physical scanning system that scans for water?
21 It's a two contact system, if there is water
22 cross the two contacts, one higher one lower,
23 then it will cause the pump to engage?

24 THE WITNESS: Yes.

25 LT. ERIK LASALLE: And I asked

1 Mr. Wells, the gentlemen earlier, in your own
2 words, I know you were there, you were on the
3 river painting, getting the Panther Two ready.

4 What were the root causes or
5 contributing causes that you think was the
6 cause of the casualty of the Panther going
7 down, the Panther One going down?

8 MR. KELLER: He -- everybody has talked
9 to the crabber. I think you talked to the
10 crabber?

11 THE WITNESS: Yes.

12 MR. KELLER: I want you to know his
13 background when he's giving it, too.

14 Why don't you start with what you heard
15 from the crabber?

16 THE WITNESS: I like -- I told you I
17 have been on boats all my life.

18 Most crabbers there -- we have all been
19 fishermen on boats. We have been in
20 predicaments. The crabber that rightly rescued
21 the people, he passed by really slow. He had
22 trouble himself. He had traps on the boat and
23 couldn't go too fast. He had steering
24 problems. He said he seen the boat low in the
25 water, low. He was idled.

1 BY LT. ERIK LASALLE:

2 Q Kelvin Townsend?

3 A Yes.

4 Then he asked me, he said, "Where you get
5 them idiot captains from that sit there and let the boat
6 sink beneath them?" He said the word "sit".

7 He said he had time to put life jackets on,
8 time to beach it. He was two, three hundred feet away from
9 the sandbar we put it on.

10 So, just the word he said.

11 I said -- I asked him to talk to the lawyer,
12 and he said he would.

13 Q Taken what you heard from Kelvin and what you
14 physically saw when you went out there, and the repairs
15 that were made on the boat, what would you say the
16 contributing factors are?

17 A See, then you want to ask -- that's a
18 question -- the answer to that, you have to be there,
19 really. I know what you are saying, the way I think.

20 Like I said, I have been a captain. I have
21 been on that boat before, and if you get in a position like
22 a wave action in that boat, and you are out there turning,
23 you are not watching the corners, you can take in water.

24 The corner, the rear corner -- the rear
25 corners, I seen water come in before when I have been

1 driving something like that, but the only thing I can say,
2 he slowed the boat down.

3 When another captain said he slowed it down,
4 and if he did take in water -- after you slowing a boat
5 down, water comes in the back. And that's the only thing I
6 can tell you.

7 So he was driving, and if he was taking water
8 on I don't think he -- I don't really believe -- to my
9 opinion, if that hull was like that and he hit something
10 before the trip and didn't report it to us, or he was out
11 there doing this number here, in the waves as well as come
12 over the side.

13 Q That number being back and forth?

14 A Yes, yes.

15 Q Why would he do that?

16 A Looking at dolphin, playing with the
17 dolphins, maybe watching the people, how happy they was,
18 wasn't watching behind him. By the time he noticed, he
19 backed on the throttle and water came in.

20 Q Then the bilge pumps would come on?

21 A They would, and this alarm, until he slowed
22 down, is what came on.

23 Q But the two here, one is --

24 A The bilge pumps would have, the two back
25 ones.

1 Q And they would have been illuminated on the
2 console?

3 A Yeah.

4 You would see the lights. That is one of --
5 you have to be there. I can't honestly tell you that.

6 Q Did Kelvin mention how long he was on the
7 scene watching the activities?

8 A He said he couldn't go fast. He said he
9 hadn't talked to -- who the other people was, national
10 board?

11 MR. KELLER: N T S B.

12 THE WITNESS: He say he talked to them,
13 they harped on him about his boat and stuff.
14 He got mad at them and didn't say too much to
15 them.

16 We kind of people, you harp at, if you
17 don't ask specific questions. He didn't talk
18 too much about it, but he would if you talked
19 to him, like I said.

20 BY LT. ERIK LASALLE:

21 Q Have you ever seen those bilge pumps, any of
22 them while you have been driving? You know, there's water
23 back there and you switch it to manual mode; have you done
24 that before?

25 A Yeah.

1 Q Have you been in a situation in these vessels
2 where you would do that because you think there is water
3 back there, even though you haven't gotten an alarm?

4 A Because it's low riding.

5 Q And that would give you an indication it
6 might not be working?

7 A Also test them, specially if I have a few
8 people in the back of it.

9 LT. ERIK LASALLE: I'm -- that's all I
10 have.

11 LCDR LARRY BOWLING: Nicolette?

12 LT. NICOLETTE ARROYO: No.

13 MR. KELLER: Let me ask a couple here.

14 CROSS EXAMINATION

15 BY MR. KELLER:

16 Q When you got off that boat that morning,
17 before she went out, were the bilge pumps working?

18 A All three was working.

19 MR. KELLER: That is all I got.

20 FURTHER DIRECT EXAMINATION

21 BY LT. NICOLETTE ARROYO:

22 Q Did you check them yourself?

23 A I stand on the dock, when Kenny was in the
24 boat and reset them, all three spit water.

25 LCDR LARRY BOWLING: John, anything

1 further?

2 MR. KELLER: No.

3 (Thereupon the deposition was
4 concluded.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

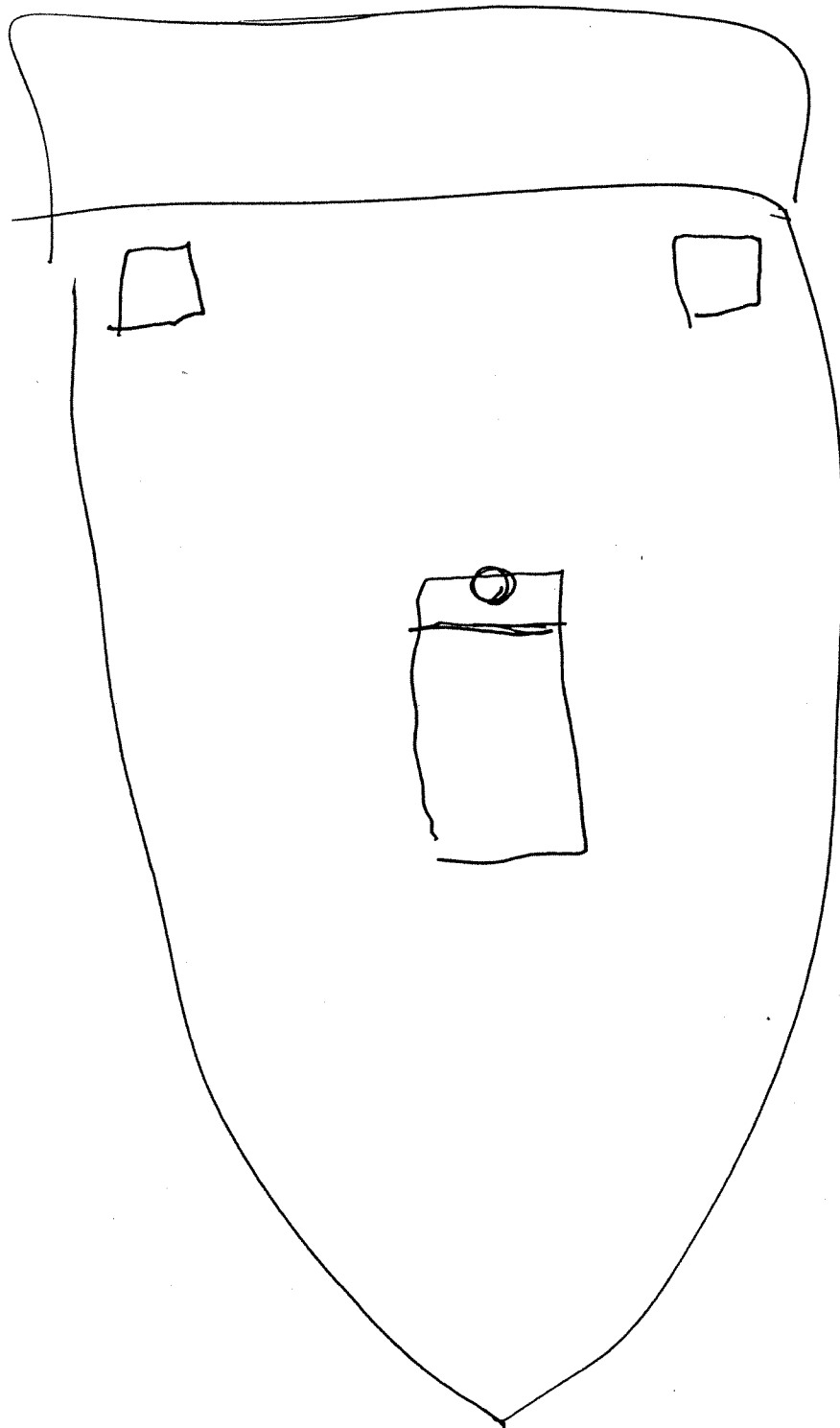
22

23

24

25

EXHIBIT CG #2
EPR 1/22/13



CERTIFICATE OF NOTARY

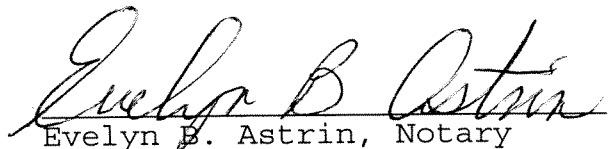
STATE OF FLORIDA :

SS

COUNTY OF DADE :

I, Evelyn B. Astrin, Shorthand Reporter and Notary Public for the State of Florida at Large, hereby certify that I was authorized to report the deposition of STANFORD DANIELS, a witness herein; that said witness was duly sworn, and that the foregoing pages numbered one through 40, constitute a true record of the statement given by said witness.

Dated at Miami-Dade County, Florida, this 18th day of March, 2003.



Evelyn B. Astrin, Notary
Public for the state of
Florida at Large.

My commission expires:

EVELYN B. ASTRIN
NOTARY PUBLIC - STATE OF FLORIDA
COMMISSION # CC901230
EXPIRES 1/18/2004
BONDED THRU ASA 1-888-NOTARY1